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EXAMINER

BASOM, BLAINE T

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 06/03/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,639

Applicant(s)

AUSTIN, PAUL F.

Examiner

Blaine Basom

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 3/29/2001 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the references cited therein do not constitute prior art. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No.

Art Unit: 2173

09/737527, and also over Microsoft Office 97, as is described by Lonnie E. Moseley and David M. Boodey in the book entitled *Mastering Microsoft Office 97, Professional Edition* (which is hereafter referred to as "Office 97"). Although the conflicting claims are not identical, they are not patentably distinct from each other. In the instant application, claim 1 recites a method for configuring a GUI element, the method comprising receiving user input specifying at least one of a data source or data target, automatically displaying a GUI element in response to the user input, and automatically configuring the GUI element to perform at least one of: receiving data from the specified data source, and/or publishing data to the specified data target. Similarly, claim 1 of copending Application No. 09/737527 recites a method for configuring a GUI element, the method comprising displaying a GUI element on a display, receiving user input specifying at least one of a data source or data target, and automatically configuring the GUI element to perform at least one of: receiving data from the specified data source, and/or publishing data to the specified data target. Consequently, claim 1 of copending Application No. 09/737527 differs from claim 1 of the instant application in that claim 1 of the copending application expresses displaying the GUI element prior to receiving user input specifying at least one of a data source or target. However, it is understood that it would have been obvious, given the prior art, namely Office 97, to modify claim 1 of copending Application No. 09/737527, such that the GUI element is displayed in response to receiving user input specifying at least one of a data source or target. For example, Microsoft Office 97, which is described below, teaches a method whereby a GUI element is displayed in response to the reception of user input specifying a data source. By similar reasoning, claims 22, 31, 33, 34, 38, and 39 are also provisionally rejected under the

Art Unit: 2173

judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 09/737527, and also over Microsoft Office 97.

Furthermore, as the ideas expressed by dependent claims 2-21, 23-30, 32, 35-37, and 40-42 of the present application are each similarly expressed by the combination of one or more of claims 1-68 of copending Application No. 09/737527, and Office 97 as described below, claims 2-21, 23-30, 32, 35-37, and 40-42 of the present application are provisionally rejected as being unpatentable over copending Application No. 09/737527 and Microsoft Office 97.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-9, 11-16, 20-32, and 34-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,339,392, which is attributed to Risberg et al. (and hereafter referred to as "Risberg"), and also over Microsoft Office 97, as is described by Lonnie E. Moseley and David M. Boodey in the book entitled *Mastering Microsoft Office 97, Professional Edition* (which is hereafter referred to as "Office 97"). In general, Risberg discloses an application to be used for monitoring and managing complex systems having a plurality of

Art Unit: 2173

frequently varying data values. More specifically, and regarding the claimed invention, this application allows users to create custom graphical user interfaces in which these data values are displayed, and in which changes in these data values are immediately reflected on the display (see column 1, lines 31-41). These data values, which are received from one or more sources over a network, are particularly displayed via one or more GUI elements. It is thus understood that Risberg teaches a method for configuring a GUI element to publish or subscribe to a data target or data source.

As per claim 1, the application disclosed by Risberg is used to construct GUIs, referred to as "active documents," which are for monitoring financial information such as stock prices. Risberg discloses that the data to be monitored is displayed by a plurality of GUI elements, specifically "quotes," "dynamic graphs," "tickers," or "page fragments" (see column 28, lines 30-67). For example, a page fragment displays a section of data obtained from a financial data source. The data displayed via a fragment element is updated in real time (see column 28, lines 62-67). It is understood that quotes, dynamic graphs, and tickers similarly display data from one or more financial sources, except in a different format. To create a page fragment on the active document, a user uses a "Page Fragment tool" and drags, with a mouse, a region on the active document where the page fragment is to be positioned. In response, the page fragment is displayed but contains no information (see column 11, line 65 – column 12, line 4). For the page fragment to display information, the user enters a data source, i.e. "service," into a specific dialog box provided to the user, wherein the data service provides financial data which is displayed in the page fragment (see column 12, lines 5-28). As this data displayed by the page fragment is updated in real time (see column 28, lines 62-67), it is understood that the page

Art Unit: 2173

fragment is thus configured to receive and display data from the specified data source. It is interpreted that quotes, dynamic graphs, and tickers are created and configured by similar means. Lastly, Risberg notes that the data displayed by a quote, dynamic graph, ticker, or page fragment can be published on a network so that it may be used as a bulletin board or by other users linked to the network (see column 3, line 66 – column 4, line 4). Thus regarding claim 1, Risberg teaches displaying a GUI element, such as a page fragment, on a display; receiving user input, specifically through a dialog box, wherein this user input specifies at least one of a data source or data target with which to associate the GUI element; and, in response to receiving this input, automatically configuring the GUI element to perform at least one of: receiving and displaying data from the specified data source; and/or publishing data associated with the GUI element to the specified data target. However, and with respect to the claimed invention, Risberg teaches displaying the GUI element prior to receiving user input specifying at least one of a data source or target. Consequently, Risberg does not teach automatically displaying a GUI element in response to the user input, as is recited in claim 1.

Similar to the application taught by Risberg, which is used to construct active documents, i.e. GUIs, Microsoft Word is an application used to construct documents. More specifically, these Word documents created by Microsoft word may comprise elements, which like the page fragments taught by Risberg and described above, display information obtained from one of various external sources such as spreadsheets or other documents (see pages 44 and 45 of Office 97). Also like the page fragment of Risberg, this information displayed by the element in the Microsoft Word document may be linked to the data source such that live data from the source is used. In other words, if the data changes at the source, the data displayed by the element of the

Art Unit: 2173

Microsoft Word document similarly changes (see pages 44 and 45 of Office 97). With respect to the claimed invention, a user specifies a data source by selecting the data source with a mouse cursor and then selecting a "paste" option in the "edit" menu of Microsoft Word. In response, the selected data source information is displayed in an appropriate GUI element in the Microsoft Word document. For example, when pasting a spreadsheet source, the data appears in the Microsoft Word document via a table-like GUI element (see figure 3.9 on page 46 of Office 97). Moreover, and like the teachings of Risberg, it is understood that the user may also specify a particular data source by selecting the source in an "Insert File" dialog box provided to the user, as apposed to copying and pasting the source. The selected source data is displayed in the Word document in response (see pages 380 and 381 of Office 97). In any event, Office 97 teaches displaying a GUI element in response to user input specifying a data source.

It would therefore have been obvious to one of ordinary skill in the art, having the teachings of Risberg and Office 97 before him at the time the invention was made, to modify the application taught by Risberg, such that instead of creating a GUI element and then selecting a data source with which to associate the GUI element, the data source is first selected and then in response, a GUI element associated with the data source is displayed, as is done in Office 97. It would have been advantageous to one of ordinary skill to utilize such a combination because a more efficient means for configuring the active document to display data from a data source results; instead of having to create a GUI element and then select a data source with which to populate the GUI element, as is done by Risberg, with the combination of Risberg and Office 97, a user simply has to select a data source – the GUI element is automatically created in response.

Art Unit: 2173

Referring to claim 34, the above-described method taught by Risberg and Office 97 is implemented as a software program (for example, see column 26, lines 53-68 of Risberg). Consequently, it is understood that it is executed by a computer system, the computer system having: display device to present the active document to the user; a processor to execute the software program; and a memory coupled to the processor to store the program. Consequently, such a computer system implementing the above-described method taught by Risberg and Office 97 is considered a system, like that recited in claim 34, which is for configuring a GUI element to publish or subscribe to a data target or source.

Referring to claim 38, the above-described method taught by Risberg and Office 97 is implemented as a software program (for example, see column 26, lines 53-68 of Risberg). Consequently, it is understood that it is executed by a computer system, the computer system having a memory upon which the program is stored. Such a computer memory storing this software program of Risberg and Office 97 is considered a memory medium, like that recited in claim 38, which is for configuring a GUI element to publish or subscribe to a data target or source.

As per claim 2, the combination of Risberg and Office 97 teach a method whereby an application is used to construct a graphical user interface, as is shown above. More particularly, the combination teaches that this application is used to display and configure a GUI element to receive and display data from a specific data source. Since the GUI element is automatically configured and displayed by an application, i.e. program, the GUI element is considered to be programmatically displayed and configured. Thus the combination of Risberg and Office 97

Art Unit: 2173

teach automatically configuring and displaying a GUI element by programmatically displaying and configuring the element.

Regarding claims 3-5 and 35, the page fragment disclosed by Risberg, as modified by the teachings of Office 97, is displayed and configured in response to specifying a data source, whereby as shown above, the page fragment resultantly displays data received from this data source. As shown above, the user specifies a data source either by highlighting the particular data source, or by using a dialog box. It is interpreted that the other graphical elements disclosed by Risberg are configured by similar means. Thus these GUI elements are automatically configured without user programming and without the user input specifying source code. It is understood that after these GUI elements are configured, they receive and display data from the specified source in real time, as is expressed above.

In reference to claim 6, the combination of Risberg and Office 97 teach a method whereby, as is shown above, an application is used to construct a graphical user interface. More particularly, the combination teaches that this application is used to display and configure a GUI element to receive and display data from a specific data source. As shown above, such a GUI element is displayed and configured in response to specifying a data source. The GUI element resultantly displays data received from this data source. As further shown above, the user specifies a data source either by copying and pasting the particular data source, or by using a dialog box. It is therefore understood that receiving such user input specifying a data source is equivalent to receiving user input specifying whether to subscribe to data from the specified data source. Risberg further discloses that a portion of an active document may be published at least partially in response to user input selecting a "publishing tool" (see column 3, line 66 – column

Art Unit: 2173

4, line 4). In any event, the combination of Risberg and Office 97 thus teach receiving user input specifying whether to perform at least one of subscribing to data from or publishing data to the specified data source or target, respectively.

Regarding claims 8, 9, and 36, the combination of Risberg and Office 97 teach a method whereby, as is shown above, an application is used to display and configure a GUI element to receive and display data from a specific data source. Such a GUI element is displayed and configured in response to specifying a data source. As shown above, the user specifies a data source either by copying and pasting the particular data source, or by using a dialog box. In response, a GUI element is displayed which receives and displays data from this data source, as is shown above. As further taught by Office 97, this particular GUI element is based on the data source. For example, figure 3.9 on page 46 shows a GUI element, which is displayed in response to the specification of a spreadsheet data source. As shown in figure 3.9, this GUI element is a table. Figure 14.2 on page 382 on the other hand shows a GUI element, which is displayed in response to the selection of a document data source. As shown in figure 14.2, this GUI element simply comprises the text of the source document. Thus the GUI element is different based on the data source; a spreadsheet data source is displayed via a table-like GUI element, while a document data source is displayed via textual GUI element. Consequently, it is understood that the combination of Risberg and Office 97 described above teaches automatically determining an appropriate GUI element to display, based on the specified data source or target, wherein this determined GUI element is displayed automatically. Concerning claim 9, Office 97 further teaches that the particular GUI element is based on the data from the data source. For example, the GUI element in figure 3.9, which as described above is displayed in response to the

Art Unit: 2173

selection of a spreadsheet data source, is a table comprising 1 column and 3 rows. Figure 14.8 on page 387 also shows a GUI element which is displayed in response to the selection of a document data source. As shown in figure 14.8, this GUI element is a table comprising 4 columns and 12 rows. Comparing figure 14.6 on page 386 and figure 3.7 on page 44, which respectively show the spreadsheet data sources for the above described GUI elements, it is noted that the source which is displayed in the larger GUI element, i.e. the GUI element of figure 14.8, is the spreadsheet comprising more data rows and columns (that of figure 14.6). Thus the GUI element is different based on the data of the data source; a spreadsheet source with many columns and rows of data is displayed in a larger GUI element than a spreadsheet source with fewer columns and rows of data. Consequently, it is understood that the combination of Risberg and Office 97 described above teaches receiving data from the data source, and automatically analyzing the received data to determine a GUI element operable to indicate the received data.

With respect to claims 11 and 37, the application disclosed by Risberg, which as described above is used to construct GUIs for viewing financial information, is implemented on a first computer which accesses over a network a second computer, specifically a server (see column 2, lines 39-48). The application receives data from the server and displays the data via one or more graphical elements, such as page fragments, quotes, tickers, or dynamic graphs (see column 2, lines 27-48). Thus it is understood that the method taught by the combination of Risberg and Microsoft Office 97, as is described above, is executed on a first computer, whereby this first computer is operable to connect to a second computer over a network. It is further understood that this second computer comprises a data source, whereby the GUI elements taught

Art Unit: 2173

by Risberg and Office 97 may be configured to connect to the second computer and receive and display data from this data source.

Referring to claims 12 and 13, the application disclosed by Risberg, as modified by the teachings of Microsoft Office 97, is used to construct GUIs, or more specifically "active documents," as is described above. Risberg further discloses that each active document may comprise one or more scripts which define the functionality of various components of the active document (see column 2, lines 27-39). In any event, an active document is considered a computer program, as it is executed on a computer to access data over a network and display it on the computer. Thus the page fragments, quotes, dynamic graphs, and tickers taught by Risberg are GUI elements associated with a first computer program, specifically an active document. These GUI elements are included in a user interface associated with an active document (for example, see figure 1 of Risberg, which shows the user interface of an active document; a quote, which is designated by reference number 18; a ticker, which is designated by reference number 20; a dynamic graph, which is designated by reference number 22; and a page fragment, which is designated by reference number 24, are displayed in this user interface). As shown above, these GUI elements are operable to receive and display data from a specific data source during execution of the active document. Risberg notes that the specification of such a data source may be received during the development the active document (for example, see column 11, line 65 – column 12, line 28). Thus it is understood that the method taught by the combination of Risberg and Microsoft Office 97, as is described above, involves user input specifying at least one of a data source or data target received during development of a first computer program, namely an active document, and wherein the GUI element is automatically

Art Unit: 2173

included in the user interface of the active document. It is further understood that the active document may be executed after it is configured, whereby this GUI element receives and displays data from the specified data source.

In regard to claim 14, an active document is considered a graphical program. For example, figure 1 shows the user interface of an active document. A quote, which is designated by reference number 18; a ticker, which is designated by reference number 20; a dynamic graph, which is designated by reference number 22; and a page fragment, which is designated by reference number 24, are all elements which present data graphically. In the case of quotes, page fragments, and tickers, data is presented in lists or charts. With dynamic graphs, data is presented in a graph. Moreover, the interface of the active document may contain other graphical elements to actuate specific functionality of the program (see column 4, lines 4-29).

As per claim 15, Microsoft Office 97 teaches that the data source, with which a GUI element is linked, may be a file. For example, the data source may be a document or spreadsheet file, as is described above. Thus it is understood that with the method taught by the combination of Risberg and Microsoft Office 97, as is described above, the data source or data target is one from the group consisting of an HTTP server, an FTP server, and OPC server, an SNMP server, a DataSocket server, and a file. More specifically, the data source is a file.

In reference to claims 16, Risberg discloses that for a page fragment to display information, the user enters a data source into a specific dialog box provided to the user, wherein this data source provides financial data which is displayed by the page fragment (see column 12, lines 5-28). As this data displayed by the page fragment is updated in real time (see column 28, lines 62-67), it is understood that the page fragment is thus configured to receive and display

Art Unit: 2173

data from the specified data source. It is interpreted that quotes, dynamic graphs, and tickers are created and configured by similar means. Therefore, the combination of Risberg and Office 97 described above teaches providing user input specifying a data source with which to associate a GUI element, wherein when automatically configuring the GUI element, the GUI element is configured to receive and display data from this data source.

Regarding claims 20 and 21, the data received and displayed by the GUI elements disclosed by Risberg is displayed in real time (for example, see column 2, lines 39-48). Consequently, the data is considered live data. Moreover, the data is financial data, which is obtained or measured by one of a plurality of services; such as "MarketFeed 2," "Telerate," or "Reuters" (for example, see column 28, lines 40-47). The data is therefore also considered measurement data. Therefore, the combination of Risberg and Office 97 described above teaches providing user input specifying a data source with which to associate a GUI element, and in response, automatically displaying and configuring the GUI element to receive and display live data and measurement data from this specified source.

The ideas expressed in claims 22-24 are similarly expressed in claims 1-3, respectively. Consequently, claims 22-24 are rejected for the reasons cited above in the rejections for claims 1-3. Likewise, because the ideas expressed in claims 25 and 26 are similarly expressed by claims 8 and 9, respectively, claims 25 and 26 are rejected for the reasons cited above in the rejections for claims 8 and 9.

As for claim 27, the combination of Risberg and Office 97 teach a method whereby, as is shown above, an application is used to display and configure a GUI element to receive and display data from a specific data source. Such a GUI element is displayed and configured in

Art Unit: 2173

response to specifying a data source. The data received and displayed from the data source is in one of many different possible formats. For example, the data may be spreadsheet data or text data, among others, as is described above. In any case, since the data received from the data source may be in one of many different formats, which must be analyzed in order to ascertain how to display the data, it is understood that the data must be in a self-describing format. In other words, it is understood that the data itself at least partially describes how it is to be displayed. Consequently, the combination of Risberg and Office 97 described above teaches that the data received is in a self-describing format, and wherein a GUI element is automatically determined that is operable to indicate this data.

The ideas expressed in claim 28 are similarly expressed in claim 12. Consequently, claim 28 is rejected for the reasons cited above in the rejection for claim 12.

The ideas expressed in claim 29 are similarly expressed in claim 4. Consequently, claim 29 is rejected for the reasons cited above in the rejection for claim 4.

With respect to claim 30, the application disclosed by Risberg and Office 97 is used to construct GUIs, wherein as described above, one or more GUI elements are configured to receive and indicate data from a specific data source. For example, figure 1 of Risberg presents an illustration of such a GUI. Reference number 24 denotes a page fragment, which as shown above, receives and indicates a segment of financial data. As shown in figure 1, this financial data is particularly displayed to the user. Thus the combination of Risberg and Office 97 teaches indicating the received data by displaying it.

Referring to claims 31 and 39, the combination of Risberg and Office 97 teaches a method, wherein as shown above in the rejection for claim 12, user input is received during

Art Unit: 2173

development of a first computer program, namely an active document, and wherein this user input specifies a data source. As shown above in the rejection for claim 8, the combination further teaches automatically determining a GUI element operable to display data from the specified data source, and automatically including the GUI element in a graphical user interface of the active document. This active document is thus automatically configured to receive and display data from the specified data source in the GUI element during program execution, as is shown above in the rejection for claim 1. Specifically referring to claim 39, the above-described method taught by Risberg and Office 97 is implemented as a software program (for example, see column 26, lines 53-68 of Risberg). Consequently, such a software program is considered equivalent to the "viewer program" recited in claim 39.

Referring to claim 32, the active document taught by the combination of Risberg and Office 97 is considered a graphical program for the reasons presented above in the rejection for claim 14.

As per claim 40, the combination of Risberg and Office 97 teaches a method whereby a viewer program is used to construct a graphical user interface, as is shown above in the rejection for claim 39. More particularly, the above-described combination teaches that this application is used to automatically determine, display, and configure an appropriate GUI element to receive and display data from a specific data source. Since the GUI element is automatically determined, configured, and displayed by an application, i.e. program, the GUI element is considered to be programmatically determined, displayed, and configured. Thus the combination of Risberg and Office 97 teach automatically determining a GUI element by programmatically

Art Unit: 2173

determining the GUI element, and, automatically configuring and displaying a GUI element by programmatically displaying and configuring the element.

Regarding claims 41, the data received and displayed by the GUI elements disclosed by Risberg is displayed in real time (for example, see column 2, lines 39-48). Consequently, the data received from the data source is considered live data.

As per claim 42, Microsoft Office 97 teaches that the data source, with which a GUI element is linked, may be a file. For example, the data source may be a document or spreadsheet file, as is described above. Thus it is understood that with the above-described method taught by the combination of Risberg and Microsoft Office 97, as is described above, the data source or data target is one from the group consisting of an HTTP server, an FTP server, and OPC server, an SNMP server, a DataSocket server, and a file. More specifically, the data source is a file.

Referring to claim 34, the method taught by Risberg and Office 97, which is described above in the rejection for claim 1, is implemented as a software program (for example, see column 26, lines 53-68 of Risberg). Consequently, it is understood that it is executed by a computer system, the computer system having display device, a processor, and a memory coupled to the processor. Such a computer system implementing the method taught by Risberg and Office 97 is considered a system, like that recited in claim 34, which is for configuring a GUI element to publish or subscribe to a data target or source.

Claims 7, 10, 17-19, and 33 are rejected under 35 U.S.C. 103(a) as being obvious over the combination of Risberg and Office 97, which is described above, and also over U.S. Patent No. 5,959,621, which is attributed to Nawaz et al. (and hereafter referred to as "Nawaz").

Art Unit: 2173

Specifically referring to claim 7, the combination of Risberg and Office 97 teaches a method like that of claim 1, wherein a user may specify a data source via a dialog box, as is shown above. In response, a GUI element is automatically configured to receive and display data from this data source, as is shown above. Risberg further discloses that the data source may be a server over a network (see column 2, lines 39-48). The combination however does not explicitly disclose that this input specifying a data source is a URL, as is expressed in claim 7.

Like the teachings of Risberg and Office 97, Nawaz presents a method for configuring a GUI element, specifically a ticker, to receive and display data from a specific data source. With further similarity to the teachings of Risberg, this data may comprise financial data, namely stock prices (see column 3, lines 27-29). Regarding the claimed invention, Nawaz teaches that the data is received and displayed in the ticker from sources specified by URLs (see column 12, lines 23-40).

It would have therefore been obvious to one of ordinary skill in the art, having the teachings of Risberg, Microsoft Office 97, and Nawaz before him at the time the invention was made, to modify the method taught by the combination Risberg and Office 97 such that the data sources are specified by URLs, as is done by Nawaz. One would have been motivated to create such a combination because, as is demonstrated by Nawaz, URLs provide well-known and commonly used identification means for identifying data on a network.

With regard to claim 10, the combination of Risberg, Microsoft Office 97, and Nawaz described above teaches receiving user input specifying at least one data source or target, wherein particularly, this user input specifies a URL of the data source or target. As shown above in the rejection for claim 8, Risberg and Office 97 further teaches automatically

Art Unit: 2173

determining an appropriate GUI element to display in response to such input, wherein specifically, the GUI element is determined based on the specified data source. For example, as is shown above, a document data source, which has a "doc" file extension, is displayed in a different type of GUI element than a spreadsheet data source, which has a different file extension. Consequently, it is interpreted that the GUI element is determined based on the file extension of the specified data source. As is known in the art, such file extensions are included in the URL specifying the location of such files. It is therefore understood that the combination of Risberg, Office 97, and Nawaz described above further teaches automatically determining an appropriate GUI element to display based on a file extension specified by the URL.

Specifically regarding claim 17, the combination of Risberg and Office 97 teaches a method for configuring a GUI element, wherein as shown above in the rejection for claim 1, the method comprises receiving user input specifying a data source, and then displaying an appropriate GUI element with which to associate the data source. In response, the GUI element is automatically configured to receive and display data from the specified data source. Risberg further teaches that the data displayed in a constructed active document, which is interpreted to be the data displayed via such a GUI element, may be published on a network (see column 3, line 66 – column 6, line 4). Thus it is understood that Risberg discloses configuring a GUI element to publish data. However, and with respect to the claimed invention, neither Risberg nor Office 97 explicitly specifically teach the steps undertaken to publish such data to a specific target. In other words, the combination of Risberg and Office 97 does not explicitly teach receiving user input specifying a first data target with which to associate the GUI element, and automatically

Art Unit: 2173

configuring the GUI element to publish data associated with the GUI element to this first data target, as is expressed in claim 17.

Like the combination of Risberg and Office 97, Nawaz presents a method for configuring a GUI element, specifically a ticker, to receive and display data from a specific data source. With further similarity to the teachings of Risberg, this data may comprise financial data, namely stock prices (see column 3, lines 27-29). With respect to the claimed invention, the ticker disclosed by Nawaz, like the GUI elements of Risberg, may be configured to publish data associated with the ticker to one or more specific targets. Specifically, a user uses a "posting page" associated with the ticker to determine which users, i.e. targets, receive data associated with the ticker (see column 11, lines 40-55).

It would have therefore been obvious to one of ordinary skill in the art, having the teachings of Risberg, Office 97, and Nawaz before him at the time the invention was made, to modify the method taught by the combination of Risberg and Office 97 such that a page similar to the posting page of Nawaz is utilized to display and configure a GUI element to publish data to a specific data target. In other words, it would have been obvious to modify the method of Risberg and Office 97 such that, with a posting page, a user specifies a first data target with which to associate the GUI element, and consequently, the GUI element is automatically displayed and configured to publish data associated with the GUI element to this data target. One would have been motivated to create such a combination because, as is demonstrated by Nawaz, a posting page allows a user to efficiently delineate who should and should not receive data associated with a GUI element. The provision of such a utility is beneficial when publishing data, as is shown by Nawaz.

Art Unit: 2173

As per claims 18 and 19, the combination of Risberg and Microsoft Office 97 teaches receiving user input specifying a data source with which to associate a GUI element, wherein as described above, the GUI element is automatically displayed and configured to receive and display data from this specified data source. Similarly, the combination of Risberg, Office 97, and Nawaz further teaches receiving user input specifying a data target with which to associate the GUI element, wherein as described above, the GUI element is automatically displayed and configured to publish data associated with the GUI element to the specified data target. It is thus understood that a user may specify both a data source and a data target with which to associate a GUI element. Moreover, it is understood that the specified data source may be the same as the specified data target. In such a case, the GUI element would be automatically configured to receive and display data from the remote data source, and publish data to the specified data target.

Referring to claim 33, the combination of Risberg, Office 97, and Nawaz teaches a method, wherein as shown above in the rejection for claims 18 and 19, user input is received specifying a data source and data target, and wherein this data source and data target are the same. For the reasons described above in the rejection for claim 18, the combination also teaches automatically displaying a GUI element in response to the user input, and automatically configuring the GUI element to receive and display data from the specified data source and publish data to the specified data target.

Art Unit: 2173

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The Heinzman U.S. Patent cited therein presents a method whereby an interface is used to send to or receive data from a remote device. The Peltier U.S. Patent cited therein presents a method for creating an interface to monitor and control a remote device. Lastly, the Ohara et al. U.S. Patent cited therein presents a method for creating a graphical program, the program comprising a plurality of connected nodes which visually indicate the functionality of the program.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (703) 305-7694. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7238 for regular communications and (703) 746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-3900.

btb
May 30, 2003



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